IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 33376 of 2006(W)

PETITIONER:

FRANCIS, ALAPPAT HOUSE,
YOUNG SHINE ROAD, CHELAKKOTTUKKARA,
THRISSUR.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS:
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1. THE KERALA STATE CONSUMER DISPUTES
REDRESSAL COMMISSION, REPRESENTED BY ITS SECRETARY
SISUVIHAR LANE, VASHUTHACAUD, SASTHAMANGALAM,
THIRUVANANTHAPURAM-10.

2. THE DISTRICT CONSUMER DISPUTES
REDRESSAL FORUM, KATHRUKKADVU, COCHIN-17,
REPRESENTED BY ITS PRESIDENT.

3. K.M.THOMAS, KOMADATHUSSERIL HOUSE,
EDAPPILLY P.O., COCHIN-24.

BY ADV. SMT.VALSAMMA KURIAN
GOVERNMENT PLEADER SMT.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.33376/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: PHOTOCOPY OF RESTORATION PETITION NO.120/06 WITH AFFIDAVIT DATED 2.2.06.

EXT.P2: PHOTOCOPY OF POSTAL ACKNOWLEDGEMENT CARD DATED 15.2.06.

EXT.P3: PHOTOCOPY OF LETTER DATED 10.8.06 ISSUED TO 1ST RESPONDENT.

EXT.P4: PHOTOCOPY OF SHOW CAUSE NOTICE DATED 18.8.06 IN E.P.90/00.

EXT.P5: PHOTOCOPY OF AFFIDAVIT AND PETITION FOR STAY IN E.P.90/00.

//TRUE COPY//

P.A. TO JUDGE

P.R.RAMAN, J.

W.P.(C) NO. 33376 OF 2006

Dated this the 24th day of January, 2007

J U D G M E N T

The limited prayer made in this writ petition is for a direction to consider and dispose of Ext.P1 application for restoration. Appeal was dismissed for default by the State Consumer Disputes Redressal Commission on 19/1/2006. Though the petitioner has filed an application on 2nd February 2006, the same has not been disposed of. His grievance is that, in the meantime execution proceedings are taken.

2. In the facts and circumstances, after hearing all the parties, there will be direction to the State Consumer Disputes Redressal Commission to consider and dispose of IA 120/2006 in appeal No.1247/2000, produced as Exhibit P1 in this writ petition, expeditiously, at any rate, within a period of two months from today. Petitioner shall produce a copy of this judgment before the Registry, State Consumer Disputes Redressal Commission for information and compliance.

3. There will be an interim stay of execution proceedings in EP 90/2000 pending before the CDRF, Ernakulam till then, on

condition that an amount of Rs.5,000/- (Rupees Five thousand only) shall be deposited by the petitioner within a period of three weeks from today.

Writ petition is disposed of as above.

Issue emergent copies.

P.R.RAMAN, JUDGE

Rp